

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	4:08cr3067
v.	)	
	)	MEMORANDUM, ORDER
GARY ZIERKE, JR.,	)	AND
	)	RECOMMENDATION
Defendant.	)	
_____	)	

At the conclusion of the hearing on October 27, 2008 on the defendant's motion to suppress evidence, I stated my conclusions on the record and my decision to recommend that the motion to suppress be denied. In accordance with that announcement,

IT HEREBY IS RECOMMENDED to the Honorable Richard G. Kopf, United States District Judge, that the motion to suppress, filing no. 45, be denied in all respects.

FURTHER, IT HEREBY IS ORDERED,

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.

2. Counsel are given ten days from the date the transcript is filed in which to file objections to this recommendation. The parties are notified that failure to object may be held to be a waiver of the right to appeal the district judge's adoption of the recommendation.

3. Trial of this matter is set to commence at 9:00 a.m., January 12, 2009, for a duration of five trial days before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

4. Defendant's motion for a hearing to determine competency of defense counsel, filing no. 47, is granted, and the hearing was held. Counsel is determined to be competent to represent the defendant.

DATED October 28, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge